

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

|                           |   |                      |
|---------------------------|---|----------------------|
| UNITED STATES OF AMERICA, | ) |                      |
|                           | ) |                      |
| Plaintiff,                | ) |                      |
|                           | ) |                      |
| v.                        | ) | CASE NO.: 2:06-CR-64 |
|                           | ) |                      |
| DEANDRA TWAIN LEWIS,      | ) |                      |
|                           | ) |                      |
| Defendant.                | ) |                      |
| _____                     | ) |                      |

CONSENT MOTION FOR LEAVE TO FILE OUT OF TIME MOTION TO SUPPRESS

COMES NOW, Defendant Deandra Twain Lewis, by and through undersigned counsel, and files this, his Motion for Leave to file an out of time motion to suppress and states the following:

1.

Pretrial Motions were due in this case on 3 May 2006.

2.

Counsel's staff incorrectly calendared the due date for pretrial motions for 5 May 2006.

3.

Defense counsel's error was an oversight due to his heavy litigation and trial schedule. The error was an inadvertent and accidental omission for which Defendant respectfully asks the Court to find as "excusable neglect", and excuse accordingly, in the interests of justice.

4.

The Assistant United States Attorney, A. Clark Morris, has been notified orally regarding the Motion for Leave and consents to the filing of the Motion out of time.

WHEREFORE, in the interest of justice, and for the reasons set forth above, Defendant respectfully requests that the Court grant his Motion for Leave to File Out of Time Motion to Suppress.

This 5<sup>th</sup> day of May, 2006.

Respectfully submitted,

AXAM & ADAMS, P.A.

Tony L. Axam\_/s/\_\_\_\_\_

Tony L. Axam

GA Bar No. 029725

Attorney for Defendant Lewis

1280 W. Peachtree Street  
Suite 310  
Atlanta, GA 30309  
(404) 524-2233

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|                           |   |                          |
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| UNITED STATES OF AMERICA, | ) |                          |
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| Plaintiff,                | ) |                          |
|                           | ) |                          |
| v.                        | ) | CASE NO.: 2:06-CR-64-MHT |
|                           | ) |                          |
| DEANDRA TWAIN LEWIS,      | ) |                          |
|                           | ) |                          |
| Defendant.                | ) |                          |
| _____                     | ) |                          |

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 5<sup>th</sup> day of May, 2006 a true and correct copy of the foregoing **Consent Motion For Leave To File Out Of Time Motion To Suppress And Proposed Order** has been served on opposing counsel by e-file/PACER hand delivery to:

A. Clark Morris  
Assistant United States Attorney  
P. O. Drawer 197  
Montgomery, Alabama 36101-0197

Tony L. Axam /s/  
TONY L. AXAM

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| UNITED STATES OF AMERICA, | ) |                          |
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| Plaintiff,                | ) |                          |
|                           | ) |                          |
| vi.                       | ) | CASE NO.: 2:06-CR-64-MHT |
|                           | ) |                          |
| DEANDRA TWAIN LEWIS,      | ) |                          |
|                           | ) |                          |
| Defendant.                | ) |                          |
| _____                     | ) |                          |

ORDER

Having read and considered Defendant's Consent Motion for Leave to File Out of Time Motion to Suppress, Defendant's Motion is hereby GRANTED. IT IS HEREBY ORDERED, that the leave to File Out of Time Motion to Suppress be granted.

SO ORDERED, this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
The Honorable Myron H. Thompson  
Judge, United States District Court  
Middle District of Alabama

Order Prepared by:

Tony L. Axam /s/  
Tony L. Axam  
GA Bar No. 029725  
Attorney for Defendant Lewis